

Appl. No. : **10/506,568**
Filed : **March 8, 2005**

REMARKS

Claims 1 through 9 stand rejected. Claims 4-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claim. By this paper, Claim 4 has been substantially rewritten as new Claim 10. Applicant has further amended Claims 1 through 5 and 7 through 9. Applicant has also cancelled Claim 6. Thus, Claims 1 through 5 and 7 through 10 are pending in the application and are presented for reconsideration and further examination in view of the amendments and the following remarks.

Drawings

The attached sheet of drawings includes a change to the drawing sheet for Figure 1. Applicant removed the German word on the left side of the drawing. No new matter has been added due to this change to the figure. Applicant respectfully requests the entry of the amendment.

Rejection of Claims 1-9 under 35 U.S.C. § 112, second paragraph

The Examiner rejected Claims 1-9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicant has amended Claim 1 to provide proper antecedent basis for the terms identified in the office action. Thus, Applicant respectfully requests that the rejections for indefiniteness be withdrawn.

Rejections under §35 U.S.C. §102(b) as anticipated by Butler (U.S. Patent No. 3,731,705) and Herzan et al. (U.S. Patent No. 4,222,411) and under §35 U.S.C. §103(a) over Herzan et al.

The Examiner rejected independent Claim 1 as being anticipated by Butler (U.S. Patent No. 3,731,705) and Herzan et al. (U.S. Patent No. 4,222,411). The Examiner rejected Claims 2 and 3 as being obvious over Herzan. The Office Action identified dependent Claims 4 through 9 as containing allowable subject matter. Applicant has amended independent Claim 1 to recite, for example, "the switch unit having an eccentric shaft, the eccentric shaft being held in a sleeve which is rotatably held about 360° on the circumference of a middle housing part." The applied art fails to disclose at least the recited structure. Applicant respectfully submits that independent Claim 1 is in condition for allowance.

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Dependent Claims 2-5 and 7-9 depend directly or indirectly from Claim 1 and, thus, each is patentable for at least the same reasons that the claim from which it depends is patentable over the applied art. Therefore, allowance of dependent Claims 2-5 and 7-9 is also respectfully requested.

New Claim 10

Claim 4 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claim. Claim 4 has been substantially rewritten as new Claim 10. Applicant re-wrote Claim 10 to improve its readability and maintain consistency with its base claim. Consideration and allowance of new Claim 10 therefore is respectfully requested.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejection set forth in the outstanding Office Action is inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art discloses or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

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The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain of if an issue requires clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve any such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: James F. Herkenhoff
James F. Herkenhoff
Registration No. 51,241
Attorney of Record
Customer No. 20,995
(619) 235-8550

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